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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/214,868	01/14/99	EIPFEL	H 47114

KEIL & WEINKAUF
1101 CONNECTICUT AVE NW
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IM22/0818

EXAMINER

ALEXANDER, L

ART UNIT	PAPER NUMBER
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1743

DATE MAILED: 08/18/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

Office Action Summary

Application No.

09/214,868

Applicant(s)

Eipel et al.

Examiner

Lyle A. Alexander

Group Art Unit

1743



☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-12 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-12 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ ~~Notice of References Cited, PTO-892~~

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 1743

Claim Rejections - 35 USC § 112

1. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 line 3 "which may be provided with a surface loading ..." is confusing if this limitation is required. As the claim is presently written the surface loading areas are not required and the claim is only directed to a solid support. Clarification could be achieved by changing "which may be" to --are--.

Claim 2 is confusing how hydrophilic zones are within a continuous hydrophobic zone (if there are separate zones how is the hydrophobic zone continuous ?) .

Method claim 12 fails to provide critical steps required for a method such as adding a sample to the support, some type of reaction occurring on the support and a step of analysis.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 1743

3. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by EP 0402718, PCT 94/27719, WO 95/35505 or Fox.

In light of the above 35 USC 112 second paragraph issues, the claims only require solid support composed of an inert, hydrophilic, solid support. The cited prior art teaches device that meet these limitations. Additionally, the cited prior art teaches hydrophilic measurement zones separated by hydrophobic areas.

Any inquiry concerning this communication should be directed to Lyle A. Alexander at telephone number (703) 308-3893.



LYLE A. ALEXANDER
PRIMARY EXAMINER